

07-07-00

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**PATENT APPLICATION**

Docket No: 11022US11 / 200-70.P4.C2

#4/g  
Pg  
114d

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**CONTINUING APPLICATION TRANSMITTAL UNDER 37 CFR §1.53(b)**

**Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231**

Sir:

This is a request under 37 CFR §1.53 for filing a

- ☒ continuation application.
- ☐ divisional application.

**1. Particulars of Prior Application**

Application Serial No: 09/136,389

U.S. Filing Date: August 18, 1998

Title: PROTEINS ENCODING GELONIN SEQUENCES

Art Unit: 1645

Examiner: A. Salimi

Prior Docket No.: 11022US10 / 200-70.P4.C1

**CERTIFICATION UNDER 37 CFR §1.10**

I hereby certify that this Continuing Application Transmittal Under 37 CFR §1.53(b) and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on July 6, 2000 in an envelope addressed to BOX PATENT APPLICATION, Assistant Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EL567394949US.

*Janet M. McNicholas*

Janet M. McNicholas, Ph.D.

Registration No. 32,918

jc841 U.S. PTO  
07/06/00

jc564 U.S. PTO  
09/610838  
07/06/00

09/136,389  
08/18/98  
07/06/00

2. This request is filed by:

1. Full Name of Inventor	Family Name  Better	First Given Name  Marc	Second Given Name  D.
Residence & Citizenship	City  Los Angeles	State or Foreign Country  California	Country of Citizenship  United States
Post Office Address	Post Office Address  2462 Zorada Drive	City  Los Angeles	State & Zip Code/Country  California 90046
2. Full Name of Inventor	Family Name  Carroll	First Given Name  Stephen	Second Given Name  F.
Residence & Citizenship	City  Walnut Creek	State or Foreign Country  California	Country of Citizenship  United States
Post Office Address	Post Office Address  1308 Milton Avenue	City  Walnut Creek	State & Zip Code/Country  California 94596
3. Full Name of Inventor	Family Name	First Given Name	Second Given Name
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
Post Office Address	Post Office Address	City	State & Zip Code/Country

- ☐ This application is being filed by less than all the inventors named in the prior application. An accompanying statement requests deletion of the name(s) of the person(s) who are not inventors of the invention being claimed in this application.

3. **Amendments**

- ☒ Amend the specification by inserting before the first line the sentence:

-- This is a **Continuation** of U.S. Application No. 09/136,389 filed August 18, 1998. --  
*now Patent No. 6,146,850*

- ☐ Cancel claims in the prior application before calculating the filing fee.
- ☐ A Preliminary Amendment is enclosed.
- ☐ The filing fee is based upon entry of the foregoing amendment(s) (if any).

4. **Copy of Prior Application**

The enclosed is a copy of the prior complete application, including the specification (with claims), drawings, the oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application.

5. **Incorporation By Reference**

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 4, above, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. **Priority**

- ☐ Priority of application No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 USC §119.
- ☐ The certified copy(ies) was(were) filed in prior U.S. Application No. \_\_\_\_\_.
- ☐ The certified copy(ies) has(have) not been filed.

7. **Assignment**

- ☒ The prior application is assigned of record to XOMA Corporation and has been recorded at Reel No. 9153, Frame No. 0378 (7 pages).

8. **Small Entity Status**

- ☐ Verified statement(s) claiming small entity status is(are) attached.
- ☒ Small entity status has been established in the prior application and is still proper and desired.

9. **Fee Calculation**

CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$345.00		\$690.00
TOTAL		=	X 9 =	\$	X 18 =	\$
INDEP.		=	X 39 =	\$	X 78 =	\$
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ 130 =	\$	+ 260 =	\$
Filing Fee:				\$	OR	\$

10. **Method of Payment of Fees**

- ☐ Attached is a check in the amount of: \$ \_\_\_\_\_
- ☐ Charge Deposit Account No. 13-0017 in the amount of: \$ \_\_\_\_\_  
A copy of this Transmittal is enclosed.
- ☒ This continuation application is being filed without a fee.

**11. Deposit Account and Refund Authorization**

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees, other than the application filing fee, which may be required during the pendency of this application under 37 CFR §1.16 or 37 CFR §1.17 to Deposit Account No. 13-0017. A copy of this Transmittal is enclosed. Please refund any overpayment to McAndrews, Held & Malloy, Ltd. at the address below.

Please direct all future communications to:

**Janet M. McNicholas, Ph.D.  
McAndrews, Held & Malloy, Ltd.  
500 W. Madison Street, 34<sup>th</sup> Floor  
Chicago, Illinois 60661**

Respectfully submitted,

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Chicago, Illinois 60661  
(312) 775-8000  
(312) 775-8100 (Facsimile)

Date: July 6, 2000

By: Janet M. McNicholas  
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